

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, et al.,
individually and on behalf of a class of
all others similarly situated,

Plaintiffs,

vs.

1:18-cv-00719-CCR

CITY OF BUFFALO, N.Y., et al.,

Defendants.

ORAL EXAMINATION OF DANIELLE MORGERA

APPEARING REMOTELY FROM

BUFFALO, NEW YORK

Thursday, May 26, 2022

9:40 a.m. - 5:31 p.m.

pursuant to notice

REPORTED BY:

Luanne K. Howe

APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

1 Q First of all, what's MUNIS?

2 A That is our accounting system. It's pronounced
3 MUNIS. I'm sure it's some great acronym that stands
4 for something. That's the computer program that is
5 the accounting program. That's where all the money
6 is tracked.

7 Q Okay. You know, when you were sending emails about
8 the cash book, were you looking at that software to
9 get those numbers?

10 A No.

11 Q What were you looking at, something different?

12 A The state courtroom program.

13 Q Okay. So do you know why Ms. Estrich is asking for a
14 projection of February revenue in this email?

15 A I don't know why, but I can speculate because it was
16 March, it was budget season, and she was working on
17 the budget and needed a number.

18 Q Okay. She also says, "Kevin stated that the revenues
19 have started to be a little stronger for February."

20 Do you see that?

21 Do you remember revenues being down before
22 February 2018?

23 A I don't recall off the top of my head.

1 Q Do you know why revenues were a little stronger for
2 February 2018?

3 A No.

4 Q And you say -- after Mr. Helfer emails you, you
5 respond, "We have been trending at 10,000 per day.
6 Based on that I would conservatively project 300K for
7 March 2018." Do you see that?

8 A Yes.

9 Q And Ms. Estrich asked about February, and you provide
10 the February revenue amount, correct?

11 A Yes.

12 Q And she says, "I love it," right?

13 A Yes, she did.

14 Q Do you remember receiving any other positive or
15 negative reactions to revenue projections you shared
16 with anyone else working for the city?

17 A No.

18 Q Do you know what Ms. Estrich did with this
19 information about the February revenue?

20 A No, I don't.

21 Q Let's mark Exhibit 19. Okay. And this is a March --
22 March 27, 2018 email from you to Mr. Helfer. Do you
23 see that?

1 would not appear in court.

2 Q I see. Thank you.

3 A I didn't mean to misspeak. I want to make sure
4 that's clear.

5 Q Thank you. You also say, "Only 895 from BPD this
6 month" in this email. Do you see that?

7 A Yes.

8 Q That's 895 tickets from BPD or cases?

9 A Tickets.

10 Q Okay. And so is that a relatively low number?

11 A Based on the way that I wrote it, it would appear so,
12 wouldn't it?

13 Q Yeah. Okay. We're going to mark the next exhibit,
14 which I believe is 26. Okay. And you should have on
15 your screen an October 4, 2018 email from you to
16 Donna Estrich and Kevin Helfer. Do you see that?

17 A Yes, I do.

18 Q Okay. Let's start at the bottom. And Ms. Estrich
19 emails you and Mr. Helfer and asks, "Are you able to
20 run the ticket counts for the last quarter?" Do you
21 see that?

22 A Yes, I do.

23 Q Do you know why she's asking for ticket counts?

1 A No, I do not.

2 Q Okay. Does -- do employees from the budget
3 department often ask you to run ticket counts like
4 this?

5 A Not often, but from time to time, it could be
6 requested.

7 Q Okay. And then you say, "BPD only, right?"

8 A Correct.

9 Q So why that clarification?

10 A There's 11 different agencies that write traffic
11 tickets within the City of Buffalo limits.

12 Q I see. Does BTVA handle tickets from all those
13 agencies or just a subset?

14 A All the agencies as long as they are -- what do you
15 call it -- simplified traffic -- the petty offenses.

16 Q And do you -- does BPD write the majority of the
17 tickets that BTVA handles?

18 A Yes, they do.

19 MR. SHORT: Form.

20 Q And then you eventually provide her a list of the
21 total tickets issued in the first quarter of 2019 and
22 top ten violations written. Do you see that?

23 A Yes, I do.

1 A They wanted to -- they don't want to be told how to
2 use their discretion. They want to use their
3 discretion, and they want to talk to individuals.

4 Q Okay. But they could continue to have financial
5 hardship hearings and have BMAP in parallel, correct?

6 MR. SHORT: Form.

7 A In theory, yes.

8 Q Okay. Sorry for that segue. Do you know if you ever
9 responded to this email?

10 A I don't remember.

11 Q Okay. So let me ask you also, has it ever been
12 publicized that BTVA is not implementing the BMAP
13 program?

14 A I don't know.

15 Q So Mr. Villegas continues, "I have seen one or two
16 BMAP applications that have been filled out with
17 respect to the brochure. We sent financial hardship
18 applications to all applicants or individuals I have
19 identified as BMAP candidates."

20 Do you know what brochure he's referring to?

21 A There was a brochure that the mayor's office had
22 printed out and asked the ticketing officers to
23 distribute with the uniform traffic ticket.

1 Q Have you spoken to anyone at the mayor's office about
2 the fact that BTVA is not implementing that program?

3 A No.

4 Q When was the decision made not to implement it?

5 A It was somewhere around the time of this email. I'm
6 not quite sure when.

7 Q Okay. Has Mr. Villegas ever expressed concern or
8 disappointment that BTVA is not implementing the BMAP
9 program?

10 A Yes.

11 Q What did he express?

12 A Well, despite the objection from the JHOs, Mr.
13 Villegas continued to push the matter with the law
14 department and was disappointed when it didn't --
15 when the judges didn't approve it.

16 Q Okay. How did he continue to press the matter with
17 the law department?

18 A He and actually Anna Falicov, same one we talked
19 about before, had spent many hours over many weeks
20 having discussions that I was not privy to.

21 Q And was the -- were the discussions just between the
22 two of them, or did they involve others as well?

23 A I don't know if there was more people involved.

1 Q Okay. And did he take any action based on those
2 concerns?

3 A There -- we sat down with our JHOs and Mr. Villegas,
4 myself and Mr. Helfer and had these conversations.

5 Q And can you just tell me what you recall from that
6 meeting?

7 A I recall that the judges did not want to implement
8 the program. Mr. Villegas wanted to, and after
9 conversation, it was settled that the law grants the
10 judges the right to diminish fines.

11 Q And did you or Mr. Helfer express any view about
12 whether the BMAP program should be implemented?

13 A I did not.

14 Q Do you have a view about whether it should be
15 implemented?

16 A I sure do.

17 MR. SHORT: Form. You can answer.

18 Q So what's your view?

19 A I think this was a terrible idea, but I don't like
20 financial hardship -- I don't like financial hardship
21 applications either.

22 Q So let me break that down first. So you think the
23 BMAP program was a horrible idea, correct?